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Stephanie Kost

From: Michael Layton [lactlc@cox.net]
Sent: Friday, April 30, 2004 12:45 AM
To: Michael Powell
Subject: UNE-P

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Federal Communications Commission
Office of the Secretary

Mr. Powell,

I have just had the opportunity to spend the day with Qwest in an effort to explain the product change from the UNE-P to the Qwest version call QPP or Qwest Platinum Plus. I also had the opportunity to read an article in the L.A. Times to day and they mentioned your name. Here is an exerpt from the article just in case you have not had the opportunity to read it.

FCC Chairman Michael K. Powell has been critical of competitors that rely only or mainly on renting the Bell network package. He believes rivals must buy their own facilities to compete.

The federal Telecommunications Act of 1996, aimed at opening local markets to competition, foresaw the day when competitors would use their own equipment to serve customers. But it also recognized the need for a transition period in which rivals would rent Bell facilities. The Bells have fought rules adopted by the FCC to foster that competition.

Our collective concern is multifaceted but centers around the fact that Qwest, like the other RBOC's, have been charging higher rates at the wholesale level to the CLEC than the retail rates Qwest charges its own retail customers. Aside from the fact that the FCC and the Appeals Court have ruled out the 1996 act, it hasn't taken into account the many years it took the RBOC's to develop their networks and facilities and that the same opportunities are not available to the CLEC of today. Proposals from the likes of an AT&T, MCI or Sprint are built upon a very large network capacity unavailable to the smaller CLEC.

The bottom line to the 1996 Act was for the benefit of the consumer. Giving the consumer a choice for service not sole based on price but based on service as well. None of the RBOC's have given a second thought to Service Level Agreements until the birth of the CLEC which fights every day to make sure that the customer base is taken care of.

Mr. Powell, at some time through this debacle you and your cohorts need to look at the impact your decisions will eventually make on the consumer. In a day where more jobs are lost and income levels are dropping, the last thing needed in this economic and worldwide uncertainty is an increase in the level spending currently being carried by the consumer. CLEC's keep the process honest and provide better levels of service than the RBOC's will ever provide.

This is your opportunity to make the right choice.

Regards,

Michael Layton
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